

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

PATRICK KENNEALLY, in his official)
capacity as McHENRY COUNTY)
STATE'S ATTORNEY and on behalf of)
the PEOPLE OF THE STATE OF)
ILLINOIS, and McHENRY COUNTY,)
body politic and corporate,) Case No. 23-cv-50039
)
Plaintiffs,)
)
v.)
)
KWAME RAOUL, in his official)
capacity as Illinois Attorney General,)
and GOVERNOR J.B. PRITZKER, in his)
official capacity as Governor of the)
State of Illinois)
)
Defendants.)

**PLAINTIFF'S RESPONSE TO THE COURT'S DECEMBER 11, 2023 MINUTE
ORDER**

Patrick Kenneally, State's Attorney of McHenry County, on behalf of the People of McHenry County, responds to the Court's December 11, 2023 Minute Order as follows.

The Court has directed the parties to address the impact of *Bevis v. City of Naperville*, 85 F.4th 1175, upon the instant action. Plaintiff acknowledges that *Bevis* is binding authority upon the Court. Plaintiff further acknowledges the said case denied injunctive relief similar to the request for the same in the case before the Court, relating to the enforceability of the Protect Illinois Communities Act (PICA) in light of *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1. Although Plaintiff disagrees with how the *Bevis* court applied the analytical framework of *Bruen* to PICA, Plaintiff acknowledges that the *Bevis* is binding authority upon the Court.

Plaintiff makes the following request. Plaintiff verily believes that given the number of existing consolidated challenges in the Northern and Southern District Courts of Illinois to PICA based upon the Supreme Court's decision in *Bruen*, Plaintiff believes the issues implicated in the instant action will ultimately be addressed by the Supreme Court. As such, Plaintiff requests that the Court stay the proceedings in the instant action until said issues are addressed in the cases already pending, and much further along in the litigation cycle, in the Northern and Southern District Courts of Illinois, including potential review by the Supreme Court.

Respectfully Submitted by:

/s/ Troy C. Owens

McHenry County Assistant State's Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2024, I electronically filed **Plaintiff's Response to the Court's December 11, 2023 Minute Order** with the Clerk of the U.S. District Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Troy C. Owens
McHenry County Assistant State's Attorney